

## HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

02/21/02

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))</small>		Attorney Docket No. <b>3183.1000-001</b>
		First Named Inventor or Application Identifier <b>Kin Chung Fung</b>
		Express Mail Label No. <b>EV005368389US</b>

J1000 US PTO 81020  
D2/21/02

Title of Invention	System and Method for Measuring and Analyzing Performance Data
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<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.		ADDRESS TO: <b>Commissioner for Patents Box Patent Application P.O. Box 2327, Arlington, VA 22202</b>
<p>1. [ X ] Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. [ X ] Specification                   <b>Total Pages 37</b> <i>(preferred arrangement set forth below)</i></p> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> <p>3. [ X ] Drawing(s) (35 U.S.C. 113)   <b>Total Sheets 23</b></p> <ul style="list-style-type: none"> <li>[ ] Fig. of the Drawings for Publication</li> <li>[ X ] No Figure to be Published</li> </ul> <p>4. [ X ] Oath or Declaration                   <b>Total Pages [ 2 ]</b></p> <ul style="list-style-type: none"> <li>a. [ X ] Newly executed (original or copy)</li> <li>b. [ ] Copy from a prior application (37 C.F.R. 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i></li> <li>i. [ ] <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).</li> </ul> <p>5. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i></p>		
<p>6. [ ] Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <ul style="list-style-type: none"> <li>a. [ ] Computer Readable Form</li> <li>b. [ ] Paper Copy (identical to computer copy)</li> <li>[ ] Pages</li> </ul> <p>c. [ ] Statements verifying identity of above copies</p>		
<p><b>ACCOMPANYING APPLICATION PARTS</b></p> <p>7. [ X ] Assignment Papers (cover sheet &amp; documents) [ ] Assignee -</p> <p>8. [ X ] Power of Attorney                   [ X ] 37 C.F.R. 3.73(b) Statement</p> <p>9. [ ] English Translation Document <i>(if applicable)</i></p> <p>10. [ ] Information Disclosure Statement (IDS)/PTO-1449                   [ ] Copies of IDS Citations</p> <p>11. [ ] Preliminary Amendment</p> <p>12. [ X ] Return Receipt Postcard</p> <p>13. [ ] Small Entity Statement(s)</p> <p>14a. [ ] Foreign Priority Claim under 35 U.S.C. §119 or 365</p> <p>14b. [ ] Certified Copy of Priority Document(s)</p> <p>15. [ X ] Nonpublication Request <i>(check parent application)</i></p> <p>16. [ X ] Other                   <u>Appendix A</u></p>		

17. If a CONTINUING APPLICATION, check appropriate box; supply the requisite information.

[ ] Continuation   [ ] Divisional   [ ] Continuation-in-part (CIP)   of prior application No.:

Prior application information:   Examiner:                   Group Art Unit:

The entire disclosure of the prior application is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference.  
*(Add standard Related Applications section with incorporation by reference to specification or update same)*

## 18. CORRESPONDENCE ADDRESS

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Signature		Date	2/21/02
Submitted by Typed or Printed Name	Christopher J. Lutz	Reg. Number	44,883

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

<b>FEE TRANSMITTAL FOR PATENT APPLICATIONS</b>	Attorney Docket Number	3183.1000-001
	Application Number	
	First Named Inventor	Kin Chung Fung

## CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	75 - 20* =	55	x \$ 18 =	\$ 990
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	9 - 3** =	6	x \$ 84 =	\$ 504
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 2234
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 2234
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$
				Assignment Recordation Fee = (only when filed with application)	\$ 40
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 2274

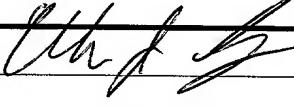
1. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c.  Is no longer claimed.

2.  A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3.  A check is enclosed for \$2274.00.  Please charge \$ to Deposit Account No. 08-0380.

4.  Other: \_\_\_\_\_  
\_\_\_\_\_

Signature		Date	2/21/02
Submitted by Typed or Printed Name	Christopher J. Lutz	Reg. Number	44,883

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.



02-21-2002

U.S. Patent &amp; TMOfc/TM Mail Rcpt Dt. #22

<b>LICATION EST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Kin Chung Fung
		Attorney Docket No.	3183.1000-001
		Express Mail Label No.	EV005368389US
Title of Invention	System and Method for Measuring and Analyzing Performance Data		

Pursuant to 37 C.F.R. § 1.213(a)(3), I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 20, 2002  
Date

Pamela Downing Brake  
Pamela Downing Brake

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General Counsel

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The Yacobian Group, LLC

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after that date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

STATEMENT UNDER 37 C.F.R. § 3.73(b)Applicant(s): Kin Chung Fung, R. David Nurme, Antoinette Yacobian and Michael Yacobian

Application No.: \_\_\_\_\_ Filed: \_\_\_\_\_

For: System and Method for Measuring and Analyzing Performance Data

The Yacobian Group, LLC, a corporation,  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A.  the assignee of the entire right, title and interest in the patent application identified above; or
- B.  an assignee together with [ ] of the entire right, title and interest in the patent application identified above. A separate Statement under 37 CFR § 3.73(b) is being submitted.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: February 20, 2002

Name: Pamela Downing Brake

Title: General Counsel

Signature: Pamela Downing Brake